



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Michael R. Pence  
Governor

Thomas W. Easterly  
Commissioner

June 15, 2015

## VIA ELECTRONIC MAIL

Mr. Thomas Sauve, President  
ERC Mining Indiana Corp  
15127 West CR 700 North  
Jasonville, Indiana 47438

Dear Mr. Sauve:

Re: NPDES Permit No. ING040249  
Permit Transfer of Ownership  
(Former) Pickaxe Indiana LLC Landree Mine  
(Now) ERC Mining Indiana Inc Landree Mine  
NW of County Roads 700 N and 1500 W  
Jasonville, Indiana  
Greene County

This office has received and reviewed correspondence signed by you on May 20, 2015 and by Mr. Craig A. Beck of Pickaxe Indiana LLC, on June 1, 2015. In this correspondence you report that a transfer of ownership of the above-referenced site is taking place, and request the transfer of NPDES permit coverage under ING040249 from Pickaxe Indiana, LLC TO ERC Mining Indiana Corp. An NOI reflecting the related changes in contact information was also received. We have determined that the information contained in these submittals meets the conditions of 327 IAC 15-2-8 (a). Mr. Beck and you have stated that the anticipated date of the transfer will be July 3, 2015. Since the permit transfer must be effective on the first of the month this transfer of NPDES permit coverage under ING040249 will become effective on July 1, 2015.

Although this is a transfer of ownership it is understood that no other changes in location, processes, or personnel will be made when the new ownership takes effect. It therefore will not affect the permittee's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities, nor will it affect the site's ability to meet the reporting requirements. Therefore, the Indiana Department of Environmental Management (IDEM) recognizes the transfer of NPDES Permit No. ING040249 from Pickaxe Indiana, LLC to ERC Mining Indiana Corp. Attachment 1 listing in detail the outfalls that are included for coverage under this permit is enclosed with this correspondence.



A State that Works

Mr. Thomas Sauve Page 2

The NPDES general permit identification number assigned to this facility in the previous approval will remain unchanged and should be included on all correspondence submitted to IDEM in relation to this NPDES general permit. Due to the fact that 327 IAC 15-7 is a permit by rule, you will NOT be receiving an actual permit. This letter will serve as your verification of the change. All conditions of coverage under 327 IAC 15-7 will remain as was stated previously in the NPDES coverage letter dated April 15, 2015. In order to receive authorization to discharge beyond the May 31, 2020 date of expiration stated therein, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that in accordance with 327 IAC 15-7-5(c), IDEM shall public notice its decision to accept this transfer of ownership for your facility with continued coverage under the general permit rule.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan at (317) 232-8703.

Sincerely,

A handwritten signature in black ink that reads "Catherine Hess". The signature is written in a cursive, flowing style.

Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

Slj/  
Attachment  
Greene County Health Department  
Mr. Craig A. Beck  
Pickaxe Indiana, LLC  
15127 West CR 700 North  
Jasonville, Indiana 47438

## ATTACHMENT 1

**ERC Mining Indiana Corp – Landree Mine**NPDES PERMIT NO. ING040249IDNR PERMIT NOS. S-0363EFFECTIVE DATE: **July 1, 2015**

## OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
003*	S-0363 LAN-3	39°, 07', 57"	-87°, 13', 41"	Acid	Unnamed tributary to Powell Creek
004*	S-0363 LAN-4	39°, 08', 03"	-87°, 13', 49"	Acid	Unnamed tributary to Powell Creek
005*	S-0363 LAN-5	39°, 07', 57"	-87°, 14', 17"	Acid	Unnamed tributary to Powell Creek

\* coordinates have been corrected to as-built location

The following outfall was never built and is no longer covered under this permit:

001	S-0363 LAN-1	39°, 07', 45"	-87°, 13', 34"	Alkaline	Unnamed tributary to Powell Creek
-----	-----------------	---------------	----------------	----------	--------------------------------------



**STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PUBLIC NOTICE NO. 2015 – 6D -GP**

**DATE OF NOTICE: June 15, 2015**

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

**MODIFICATION**

**ERC MINING INDIANA CORP. LANDREE MINE**, Permit No. ING040249, GREEN COUNTY, Jasonville, IN. This modification is being issued due to a transfer of ownership **from** Pickaxe Indiana LLC Landree Mine **to** ERC Mining Indiana Corp. Landree Mine. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

**PROCEDURES TO APPEAL**

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:  
**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC – North Building- Rm 501  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

## NOTIFICATION OF TRANSFER OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

Pursuant to 327 Indiana Administrative Code (IAC) 5-2-6(c), the undersigned parties hereby notify the Indiana Department of Environmental Management (IDEM) of their intention to transfer National Pollutant Discharge Elimination System (NPDES) Permit No.

IN G040249 from Pickaxe Indiana LLC, the  
(Insert: Permit Number) (Insert: Legal Name of Current Permit Holder)

"current permittee" and current operator of the facility,  
(Insert: current or previous) (Insert: owner, operator, or owner and operator)

to ERC Mining Indiana Corp., the "transferee" and  
(Insert: Legal Name of Person to whom Permit will be Transferred)

future operator of the facility, effective as  
(Insert: current or future) (Insert: owner, operator, or owner and operator)

of July 3, 2015.  
(Insert: proposed date of permit transfer)

The current permittee acknowledges liability for violations up to the proposed date of permit transfer, and the transferee acknowledges liability for violations on and after the proposed date of permit transfer.

The transferee certifies that it is its intention to operate the facility for which NPDES Permit No. IN G040249 is issued without making such material and substantial  
(Insert: Permit Number)  
alterations to the facility as would significantly change the nature or quantities of pollutants discharged, and thus constitute cause for permit modification under 327 IAC 5-2-16(d).

The undersigned parties understand that the permit transfer will become effective on the proposed date of permit transfer provided that:

1. The information contained in this notification is complete, true, and accurate;
2. This notification is received by IDEM at least 30 days prior to the proposed date of permit transfer; and
3. IDEM does not, within 30 days of receipt of this notification, advise the undersigned parties of its intent to modify, revoke and reissue, or terminate the permit, and to require that a new NPDES permit application be filed, rather than agreeing to the transfer of the NPDES Permit.

## "Current Permittee" Information and Signature Page

Please provide the following information regarding the facility for which the NPDES Permit is currently issued:

Current Name of the Facility:

Landree Mine

Current Address of the Facility:

15127 W 700 N

Jasonville, IN 47438

Current Phone Number of the Facility:

812 665-9780

Please provide the following information regarding the "Current Permittee":

Name of the Responsible Official:

Craig A Beck

Title of the Responsible Official:

Managing Member

Address of the Responsible Official:

22279 Hwy 271

P.O. Box 268

Spiro, OK 74959

Phone Number of the Responsible Official:

630 240-1383

### Certification Statement

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

  
Signature of Responsible Official

4/1/15  
Date

## "Transferee" Information and Signature Page

Please provide the following information regarding the facility for which the NPDES Permit is proposed to be transferred:

New Name of the Facility (if different from current name):

\_\_\_NA\_\_\_

New Address of the Facility (if different from the current address):

\_\_\_NA\_\_\_

\_\_\_\_\_

New Phone Number of the Facility (if different from the current phone number):

\_\_\_NA\_\_\_

Please provide the following information regarding the "Transferee":

Name of the Responsible Official:

\_\_\_Thomas Sauve\_\_\_

Title of the Responsible Official:

\_\_\_President\_\_\_

Address of the Responsible Official:

\_\_\_15127 W 700 N\_\_\_

\_\_\_Jasonville, IN 47438\_\_\_

\_\_\_\_\_

Phone Number of the Responsible Official:

\_\_\_646 245-2465\_\_\_

### Certification Statement

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



Signature of Responsible Official

05/20/2015

Date





Indiana Department of Environmental Management  
 NPDES General Permit Notice of Intent (NOI) Letter Submittal Application  
 327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

### I. PURPOSE OF SUBMITTAL:

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		<b>XX</b>	<b>ING040249</b>	<b>Permit Transfer</b>

### II. GENERAL INFORMATION

Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.

a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER		
Thomas Sauve, President			1221 & 1222		Greene		#S-363		
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME ERC Mining Indiana Corp				Latitude			Longitude		
STREET ADDRESS 15127 West CR 700 North				Degree	Minute	Second	Degree	Minute	Second
				N39	07	55	W87	13	49
CITY Jasonville			STATE IN	ZIP CODE 47438					
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
Landree Mine				Township	Range	Section	Quartersection		
				8 North	7 West	17	SW		
				8 North	7 West	18	SE & SW		
				8 North	7 West	& 19	NE		
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM Iid					
STREET ADDRESS 15127 West CR 700 North				STREET ADDRESS 15127 West CR 700 North					
CITY Jasonville			STATE IN	ZIP CODE 47438		CITY Jasonville		STATE IN	ZIP CODE 47438

### III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE		d. ALTERNATE PERSON TO ANSWER QUESTIONS	
Thomas Sauve, President		Mark Jensen	
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE		e. ALTERNATE PERSON'S TELEPHONE	
646-245-2465		812-665-9780	
c. APPLICANT EMAIL ADDRESS		f. ALTERNATE PERSON'S EMAIL ADDRESS	
TMS@questenergycorp.com		MCJ@questenergycorp.com	

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> <b>Rodger Wilson, RoseDale Services, Inc.</b>	
a. <u>CONTACT TELEPHONE NUMBER</u> <b>812-897-2530</b>		d. <u>STREET ADDRESS</u> <b>1125 East Walnut Street</b>	
b. <u>CONTACT EMAIL ADDRESS</u> <b>rwilson@rosedaleservices.com</b>		e. <u>CITY</u> <b>Booneville</b>	f. <u>STATE</u> <b>IN</b>
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		g. <u>ZIP CODE</u> <b>47601</b>	
		j. <u>COMPANY AND CONTACT PERSON NAME</u> <b>ERC Mining Indiana Corp</b> <b>Attn: Tom Sauve</b>	
h. <u>CONTACT TELEPHONE NUMBER</u> <b>812-665-9780</b>		k. <u>STREET ADDRESS</u> <b>15127 West CR 700 North</b>	
i. <u>CONTACT EMAIL ADDRESS</u> <b>corysmith@landreemine.com</b>		l. <u>CITY</u> <b>Jasonville</b>	m. <u>STATE</u> <b>IN</b>
		n. <u>ZIP CODE</u> <b>47438</b>	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u> <b>NOT APPLICABLE</b>	
o. <u>CONTACT TELEPHONE NUMBER</u>		r. <u>STREET ADDRESS</u>	
p. <u>CONTACT EMAIL ADDRESS</u>		s. <u>CITY</u>	t. <u>STATE</u>
		u. <u>ZIP CODE</u>	

V. RULE QUALIFICATION:
<p>The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.</p> <p>Does this facility meet these requirements? (please check one) <b>YES XXXXX</b> <b>NO</b></p> <p>Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.</p> <p><b>The Landree Mine is a combined surface coal mine and underground coal mine with coal wash plant facility. Discharge of water associated with the mining of coal, coal processing and/or reclamation activities will occur. Surface drainage flows to Powell Creek which flows to Possum Hollow Creek which flows to Big Branch Creek (HUC 12 ID 050121111503) which flows to Busseron Creek (HUC 10 ID 051201115)</b></p>

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS											
a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <b>OR if g is YES</b> name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
Existing 003	LAN-3	39	07	57	87	13	41	0.00	ACID	NO	UNT to Powell Creek
Existing 004	LAN-4	39	08	03	87	13	49	0.00	ACID	NO	UNT to Powell Creek
Existing 005	LAN-5	39	07	57	87	14	17	0.00	ACID	NO	UNT to Powell Creek
										Y / N	"UNT" is Un-named Tributary
										Y / N	
										Y / N	

**VII. OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.

**VIII. TOPOGRAPHICAL MAP**

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

**IX. PROOF OF PUBLICATION**

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
 Office of Environmental Adjudication  
 Indiana Government Center – North  
 100 North Senate Avenue, Room N501  
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

**X. POTENTIALLY AFFECTED PERSONS FORM**

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

**XI. REQUIRED FEES:**

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00, attach to and submit with application. Checks or money orders shall be made payable to IDEM.

**XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES**

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: **Pete Sartoris** On \_\_\_\_\_

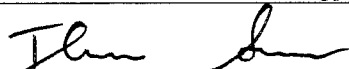
**XIII. CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Thomas Sauve, President, ERC Mining Indiana Corp  
Name and official title (type or print)

646-245-2465  
Area Code and phone No.

  
Signature

05/20/2015  
Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251**